

**PHARMACY EXAMINING BOARD
MINUTES
MADISON, WI
July 09, 2002**

PRESENT: Cynthia Benning, R.Ph.; Michael Bettiga, R.Ph.; John Bohlman, R.Ph.; Georgina Forbes, Dan Luce, R.Ph.; Charlotte Rasmussen, and Susan Sutter, R.Ph.

STAFF PRESENT: Deanna Zychowski, Bureau Director; William Black, Legal Counsel; Gina York, Program Assistant; and Division of Enforcement staff for portions of the meeting.

GUESTS: Amy Markham, UW School of Pharmacy; Susan Kleppin, Pharmacy Society of WI; Heather Baade, Student UW School of Pharmacy; Jamie Statz-Paynter, Dean Pharmacy; Elizabeth Nelson, Women's International Pharmacy; Ron Hermes, Merck-Medco; Renee Tobias, Student UW School of Pharmacy; and Mark Zwaska, Oconomowoc.

CALL TO ORDER

Sue Sutter, Chair, called the meeting to order at 9:10 a.m. A quorum of seven members was present.

AGENDA

Additions/Changes to the Agenda:

- ◆ Presentation of Proposed Stipulations re: David Smith, Mary Sharata, Jack Anderson
- ◆ Informational Items
- ◆ 2003 Calendar Meeting Dates
- ◆ Lost & Theft Report
- ◆ Move up the Agenda: Item "J. Kris Hendrickson" to just after Item "C. Re: CE Program Planning"

Deanna Zychowski advised that a listing of all licensed professions within the previous month will be supplied to the Board on a regular monthly basis for informational purposes.

MOTION: Michael Bettiga moved, seconded by Charlotte Rasmussen, to approve the agenda as amended. Motion carried unanimously.

MINUTES OF MAY 20, 2002

MOTION: John Bohlman moved, seconded by Mike Bettiga, to approve the minutes of May 20, 2002, as written. Motion carried unanimously.

MINUTES OF JUNE 11, 2002

Corrections to the Minutes:

- ◆ Stamped Pg. 8: under Oxygen Dispensing By Distributors; first paragraph, line 3 change “Secretary” to “Chair”.
- ◆ Stamped Pg. 10: under Adjourn to Closed Session; Mr. Bettiga’s first name should be “Mike” not “John”.

MOTION: John Bohlman moved, seconded by Charlotte Rasmussen, to approve the minutes of June 11, 2002, as amended. Motion carried unanimously.

ADMINISTRATIVE REPORT

SECRETARY OSCAR HERRERA

Secretary Oscar Herrera presented information to the board regarding the status of the state budget for the next fiscal year period. The Department of Regulation and Licensing (DRL) would like the input of the Boards regarding the Continuing Education Program issues and the importance of the planning stage for this program. The cost of implementation, resources and funding for this program is crucial. Secretary Herrera would like to create an advisory committee (one member from each board) to be assigned to working on the CE issue to provide input to appropriate individuals in the budget office. He would like the endorsement of the Boards regarding budget items, which impact on services, credentialing, enforcement, and education program areas.

CONTINUED EDUCATION (CE) PROGRAM PLANNING

Barb Showers presented background information to the Board asking their input and assistance to the Department’s plan for future continued education program resources. Currently the workload is approximately 700 course per biennium to approve.

Some specifics during the discussion brought up the suggestion of a random audit and to have those audited to show sufficient proof of compliance of the continued educational credits claimed. The Board will review the outcome of a random audit and evaluate the percentage of those audited who fall into non-compliance.

REVIEW OF FORMAL PHARMACY APPLICATION FORMS

Kris Hendrickson and Lori Huntoon met with the Board and presented the top three pharmacy call categories received on a regular basis by the Department. The Board reviewed a new draft of the current application and licensure forms.

Chapter 14.40(6), Wis. Stats., was discussed regarding inspections before licensing, prior to the in-depth form review. The Board discussed changes to the application forms and a new draft will be presented at the next Board meeting.

SUMMARY REPORT ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES

A handout of pending cases was distributed. There was nothing at this time, which needed further discussion.

WI STATUTES AND ADMINISTRATIVE RULES

REVIEW OF CLEARINGHOUSE RULE, CHAPTER 01-075 (RE: CENTRAL FILL)

These rules were referred back to legal council for re-drafting, regarding label requirements and procedures for variance requests.

WI ADMINISTRATIVE CODE, PHARM 2.02 (SCOPE STATEMENT TO REPEAL)

The Department of Regulation and Licensing states it is no longer allowed to require photographs of applicants seeking licensure.

MOTION: Cynthia Benning moved, seconded by Michael Bettiga, to approve the scope statement. Motion carried unanimously.

WI ADMINISTRATIVE CODE, PHARM .7.05 (SCOPE STATEMENT TO AMEND)

MOTION: Cynthia Benning moved, seconded by Charlotte Rasmussen, to modify the scope statement to include transfer of controlled substances to out-of-state pharmacies. Motion carried unanimously.

ADJOURN TO CLOSED SESSION

MOTION: John Bohlman moved, seconded by Michael Bettiga, to allow Mark Zwaska to observe the Closed Session. Motion carried unanimously.

MOTION: Cynthia Benning moved, seconded by Georgina Forbes, to adjourn to closed session pursuant to Wisconsin State Statutes 19.85(1)(a)(b)(f) and (g), to review applications; deliberate on requests for stay of suspensions, modification of orders, reinstatements of stay of suspensions, proposed stipulations, case closings, and administrative warnings; review exam issues; and, consult with Legal Counsel. Roll Call Vote: Charlotte Rasmussen-yes; John Bohlman-yes; Michael Bettiga-yes; Dan Luce-yes; Cynthia Benning-yes; Georgina Forbes-yes; Susan Sutter-yes. Motion carried unanimously.

Open session recessed at 12:35 p.m.

RECONVENE TO OPEN SESSION

MOTION: Charlotte Rasmussen moved, seconded by Georgina Forbes, to reconvene the meeting into Open Session at 3:45 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

STIPULATIONS

DAVID M. SMITH, R.Ph.

MOTION: John Bohlman moved, seconded by Cynthia Benning, to adopt the proposed Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of David M. Smith. Mr. Smith will pay \$400 and be under further observation as stated in the Board order. Dan Luce abstained. Motion carried unanimously.

JACK ANDERSON, R.Ph.

MOTION: John Bohlman moved, seconded by Charlotte Rasmussen, to adopt the Proposed Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of Jack Anderson. Mr. Anderson will voluntarily surrender his license. Motion carried unanimously.

MARY T. SHARATA (SOLUTIONS PHARMACY)

MOTION: Mike Bettiga moved, seconded by Cynthia Benning, to adopt the proposed Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of Solutions Pharmacy and to close the complaint relating to Mary T. Sharata. Motion carried unanimously.

APPLICATION REVIEWS

STEVEN MILLER, R.Ph.

MOTION: Michael Bettiga moved, seconded by Charlotte Rasmussen, to accept Steve Miller as a candidate for original licensure. Motion carried unanimously.

REQUESTS RELATING TO FULL LICENSURE

PHILLIP DALLMAN, R.Ph.

MOTION: Dan Luce moved, seconded by Cynthia Benning, to re-instate Phillip Dallman to a full-unrestricted license. Motion carried unanimously.

REQUESTS RELATING TO STAYS OF SUSPENSIONS AND/OR MODIFICATIONS

KEVIN PAMPUCH, R.Ph.

MOTION: Cynthia Benning moved, seconded by John Bohlman, to grant Kevin Pampuch a three-month stay of suspension with modifications that Kevin Pampuch can work eight hours as a Pharmacist-In-Charge during the night shift at Meriter. Motion carried unanimously. Dan Luce abstained and was not present during deliberation.

MARK ANDERSON, R.Ph.

MOTION: Michael Bettiga moved, seconded by Cynthia Benning, to grant Mark Anderson a three-month stay of suspension . Motion carried unanimously.

ROBERT GUZZETTA, R.Ph.

MOTION: Michael Bettiga moved, seconded by Charlotte Rasmussen, to grant Robert Guzzetta a three-month stay of suspension. Motion carried unanimously.

RALPH KOCH, R.Ph.

MOTION: John Bohlman moved, seconded by Mike Bettiga, to deny Ralph Koch's request to be managing pharmacist since he needs to be Pharmacist-In-Charge first, before he can become the managing pharmacist. Motion carried unanimously.

JOHN LITZENBERG, R.Ph.

MOTION: John Bohlman moved, seconded by Cynthia Benning, to grant John Litzenberg a three-month stay of suspension with the modifications to increase the amount of work time at Walgreen's to 32 hours a week and not more than 50 hours per month. Dan Luce abstained. Motion carried.

CRAIG MOON, R.Ph.

MOTION: Cynthia Benning moved, seconded by Charlotte Rasmussen, to grant Craig Moon a three-month stay of suspension with modifications to reduce therapy to one time per quarter; increase work time to 32 hours; and to allow Moon to open and close the pharmacy but not consecutively except for every fourth Sunday. Dan Luce abstained. Motion carried.

REPORT REVIEWS & COMPLETION OF BOARD ORDERS

RADIX LABORATORIES

No action was needed.

SCENIC BLUFFS

MOTION: John Bohlman moved, seconded by Mike Bettiga, to accept the completion of the board order. Motion carried unanimously.

DIVISION OF ENFORCEMENT – CASE STATUS REPORT

MOTION: John Bohlman moved, seconded by Georgina Forbes, to close case 02PHM010 for no violation. Motion carried unanimously.

MOTION: Dan Luce moved, seconded by John Bohlman, to close case 02PHM025 for no violation. Motion carried unanimously.

MOTION: Mike Bettiga moved, seconded by Cynthia Benning, to close case 99PHM053 due to insufficient evidence. Roll Call Vote: Charlotte Rasmussen-yes; John Bohlman-yes; Michael Bettiga-yes; Dan Luce-no; Cynthia Benning-yes; Georgina Forbes-yes; Susan Sutter-yes. Motion carried.

MOTION: Dan Luce moved, seconded by John Bohlman, to close case 02PHM026 for no violation. Motion carried unanimously.

MOTION: Cynthia Benning moved, seconded by Georgina Forbes, to close case 02PHM029 for no violation. Motion carried unanimously.

MOTION: Cynthia Benning moved, seconded by Charlotte Rasmussen, to close case 01PHM064 for administrative purposes. Motion carried unanimously.

VARIANCE REQUEST

WAL-MART PHARMACIES

William Black will follow up at the August meeting and will clarify for the Board if Wal-Mart has a common central file between all its pharmacies.

OXYGEN UPDATE FROM WILLIAM BLACK

This has been tabled to the August meeting since the Respiratory Care Practitioner's Council does not meet until July 29, 2002 to discuss the issue.

PRACTICE QUESTIONS

The Board reviewed the practice questions and directed legal counsel to respond.

RESOLUTIONS NABP MEETING

Completed.

EXAMINATION ISSUES

MOTION: John Bohlman moved, seconded by Michael Bettiga, to validate the exam results. Motion carried unanimously.

MEETING AND EXAMINATION DATES FOR 2003

Dates for 2003 are: January 14; February 11-12; March 11; April 8-9; May 13-14; June 24-25; July 8-9; August 12-13; September 19; October 14-15; November 11; and December 9-10.

REGULATORY DIGEST

Susan Sutter is preparing articles for the Regulatory Digest.

INFORMATIONAL ISSUES

The Board noted the information items.

ADJOURNMENT

MOTION: Mike Bettiga moved, seconded by Cynthia Benning, to adjourn the meeting. Motion carried unanimously.

Meeting adjourned at 4:35 p.m.